

**GEORGIA STATE BOARD OF OPTOMETRY**  
**Teleconference Board Meeting**  
**June 18, 2008**

A Board meeting of the Georgia State Board of Optometry was held via teleconference on Wednesday, June 18, 2008, at 5:00 p.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

**The following Board members were present:**

Kay Royal, President	Bill Sharpton
H. Kemp Jones	R. Whitman Lord

**Others Present:** Sandy Bond, *Executive Director*, Gwen Dodson, *Administrative Assistant*, Ellen Morris, *Board Secretary*, Wylencia Monroe, *Assistant Attorney General*

Ms. Royal established that a quorum was present and called the meeting to order at 5:10 p.m.

**POLICY FOR VOLUNTARY CEASE & DESIST ORDERS**

Dr. Jones moved, Dr. Lord seconded and the Board voted to accept the new policy making Voluntary Cease & Desists orders effective upon docketing.

Dr. Sharpton moved, Dr. Jones seconded and the Board voted to approve Voluntary Cease & Desist Hearings to be held at 10:00 a.m. each Optometry Board Meeting.

**OPTOMETRY & DISPENSING OPTICIANS JOINT STATEMENT**

Dr. Jones moved, Mr. Lord seconded and the Board moved to approve the Georgia Board of Optometry and Georgia Board of Dispensing Opticians joint statement regarding Optician's Rule 420-4-.01, all work under supervision of licensed dispensing opticians.

**PROPOSED RULE 430-2-.09**

Dr. Lord moved, Dr. Jones seconded and the Board voted to post the Notice of Intent to Adopt and the Notice of Hearing for the proposed rule change to rule 430-2-.09 as follows:

**NOTICE OF INTENT TO ADOPT A PROPOSED  
NEW RULE TO THE GEORGIA BOARD OF OPTOMETRY RULES  
CHAPTER 430-2; REGISTRATION, RULE 430-2-.09 TO REINSTATE A LAPSED LICENSE AND NOTICE OF  
PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Optometry (hereinafter "Board") proposes an new rule to the Georgia Board of Optometry Rules, Chapter 430; Rule 430-2-.09 To Reinstate a Lapsed License (herein after "proposed new rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed new rule, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:30 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:30 a.m. on July 23, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:30 P.M.) on July 14, 2008. Written comments should be addressed to Randall D Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1660.

The Board will consider the proposed new rule for adoption at a meeting scheduled to begin at 10:35 a.m. on July 23, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed new rule to Rule 430-2-.09 pursuant to authority contained in O.C.G.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.

At its conference call Board meeting on June 18, 2008, the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4

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Randall D Vaughn  
*Division Director*  
Professional Licensing Boards

Posted:

**SYNOPSIS OF PROPOSED NEW RULE TO THE  
GEORGIA BOARD OF OPTOMETRY RULES CHAPTER 430;  
RULE 430-2-.09, TO REINSTATE A LAPSED LICENSE**

**PURPOSE:** The purpose of this Rule is to provide directions to reinstate a lapsed license.

**MAIN FEATURES:** The main feature in this Rule is to outline requirements necessary to reactivate a lapsed license.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA  
BOARD OF OPTOMETRY RULES, CHAPTER 430; RULE 430-2-.09, TO REINSTATE A LAPSED LICENSE**

430-2-.09 To Reinstate a Lapsed License proposed a new rule as follows:

**430-2-.09 To Reinstate a Lapsed License.**

1. Any licensee whose license has been administratively revoked for non-renewal for any reason including failure, neglect or refusal to complete the bi-annual renewal process shall be required to apply for reinstatement of their license.

2. An applicant for reinstatement whose license is revoked by operation of law for failure to renew shall be subject to the application fee as well as penalty fees and accrued renewal fees as established by the Board.

3. The Board may consider reinstatement of a lapsed license when the following requirements have been met:

(a) Continuing Education requirements for the one biennium preceding the proposed reinstatement.

(b) Provides documentation of current CPR.

(c) Provides evidence of current liability insurance as defined by law.

(d) Has met qualifications for scope of practice that includes therapeutics licensure.

**Authority §§ O.G.C.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.**

Dr. Sharpton moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members Kay Royal, H. Kemp Jones, Dudley Christie, R. Whitman Lord and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

There being no further business to come before the Board, the meeting was adjourned at 5:35 p.m.

**Minutes recorded by:** Gwen Dodson, *Administrative Assistant*  
**Minutes reviewed and edited by:** Sandy Bond, *Executive Director*

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Kay F. Royal, *President*

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Sandy Bond, *Executive Director*

These minutes were approved on July 23, 2008.